

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COLLETTA ANN CHESNEY,

Plaintiff,

MEMORANDUM & ORDER

15-CV-6369 (MKB) (LB)

v.

PRESTIGE MOTOR SALES, INC.,

Defendant.

MARGO K. BRODIE, United States District Judge:

Plaintiff Colletta Ann Chesney commenced the above-captioned action against Defendant Prestige Motor Sales, Inc. on November 5, 2015, alleging causes of action under the Truth in Lending Act (“TILA”), 15 U.S.C. § 1601 *et seq.*, New York Uniform Commercial Code section 1-304 and New York General Business Law section 349. (Compl., Docket Entry No. 1.) Plaintiff also alleges a New York common law fraud claim. (*Id.*) Although served with the summons and Complaint, Defendant failed to appear in this action. (Docket Entry No. 5.) Plaintiff sought and obtained an entry of default against Defendant, (Docket Entry No. 8), and subsequently moved for a default judgment, (Pl. Mot. for Default J., Docket Entry No. 9).

On October 3, 2016, the Court referred this matter to Magistrate Judge Lois Bloom for a report and recommendation. (Order dated Oct. 3, 2016.) By report and recommendation dated February 8, 2017 (the “R&R”), Judge Bloom recommended that the Court deny Plaintiff’s motion for default judgment as to the New York fraud claim and grant Plaintiff’s motion for default judgment as to the remaining claims. (R&R 15.) Judge Bloom recommended that the Court award damages against Defendant in the amount of \$7238.50. (R&R 15.) No party has objected to the R&R.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection to a report and recommendation, the district court reviews *de novo* the parts of the report and recommendation to which the party objected. *Id.*; *see also United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. *John Hancock Life Ins. Co. v. Neuman*, No. 15-CV-1358, 2015 WL 7459920, at *1 (E.D.N.Y. Nov. 24, 2015). The clear error standard also applies when a party makes only conclusory or general objections, or simply reiterates its original arguments. *Chime v. Peak Sec. Plus, Inc.*, 137 F. Supp. 3d 183, 187 (E.D.N.Y. 2015) ("General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error." (citation omitted)); *see also DePrima v. N.Y.C. Dep't of Educ.*, No. 12-CV-3626, 2014 WL 1155282, at *3 (E.D.N.Y. Mar. 20, 2014) (collecting cases).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts Judge Bloom's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Court denies Plaintiff's motion for default judgment as to the fraud claim and grants Plaintiff's motion

for default judgment as to the TILA, New York General Business Law section 349 and New York Uniform Commercial Code section 1-304 claims. The Court directs the Clerk of Court to award judgment to Plaintiff in the amount of \$7238.50.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: May 8, 2017
Brooklyn, New York